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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/606,376	06/24/2003	Hui-Kai Chou	JCLA11125	4735
23900	7590	05/30/2006	EXAMINER	
J C PATENTS, INC.			PAYNE, SHARON E	
4 VENTURE, SUITE 250				
IRVINE, CA 92618			ART UNIT	PAPER NUMBER
			2875	

DATE MAILED: 05/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/606,376

Applicant(s)

CHOU ET AL.

Examiner

Sharon E. Payne

Art Unit

2875

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE \_\_\_\_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 20 April 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 13-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 13-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 4/11/06 has been entered.

### ***Claim Objections***

2. Claims 13-15 are objected to because of the following informalities: the phrase "the corners" in line 5 of claim 13 should be "a plurality of corners." Claims 14-15 are necessarily included due to their dependency. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 13-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Amano (JP 04033202 A).

Regarding claim 13, Amano discloses a frame having a middle region (Fig. 1, bottom), at least two U-shaped lamp tubes (reference numbers 3b and 3c) disposed inside the frame (Fig. 2), wherein the two adjacent U-shaped lamp tubes are respectively positioned at two sides of the frame (Fig. 2) and the corners of the U-shaped lamp tubes are at the middle region of the frame (Fig. 2) and a diffusion plate (reference number 15) inside the frame above the lamp tubes (Fig. 3). (The middle region is between the top region and the bottom region in Fig. 2 and extends all the way between the left side of the frame and the right side of the frame.)

Concerning claim 14, Amano discloses the electrodes of the adjacent U-shaped lamp tubes being respectively adjacent to the opposite sides of the frame (Fig. 1, see location of holes for the electrodes adjacent the opposite sides of the frame).

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Amano in view of another embodiment of Amano (see Fig. 4). (This is a 35 USC 103 rejection, because different embodiments of Amano are being combined.)

Regarding claim 15, Amano discloses the electrodes of the U-shaped lamp tube inside each lamp tube module (reference numbers 8a and 8b) face one of the side edges of the frame (Fig. 4).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the configuration of the embodiment of Fig. 4 of Amano in the apparatus of Figs. 1 and 2 of Amano to enable one to connect the apparatus to a source of power conveniently outside of the frame. See Fig. 4 of Amano.

### ***Response to Arguments***

7. Applicant's arguments filed 3/30/06 have been fully considered but they are not persuasive. Applicant argues that the prior art fails to disclose "the two adjacent U-shaped lamp tubes [being] respectively positioned at two sides of the frame and the corners of the two U-shaped lamp tubes [being] at the middle region of the frame" (claim 13 of the instant application). To the contrary, Amano discloses this feature in Figs. 1 and 2. The middle region is being defined as the region *spanning the distance between the left and right part of the frame* between the top and bottom region of the frame. Nothing in the claim says that the middle region cannot be defined this way. M.P.E.P. 2111 requires that the claims be read broadly, and the Applicant is arguing for a much narrower reading of the claim.

Regarding claim 14, Applicant further argues that the claim should be allowed because Amano does not disclose the electrodes near opposite sides of the frame. However, Applicant admits that "some electrodes are disposed adjacent to the frame" (page 6, Remarks filed 3/30/06). That is all that is needed to meet the elements of the claim. The claim does not require all of the electrodes to be adjacent to opposite sides of the frame. Furthermore, if one looks at Fig. 1 on the bottom, the holes for the electrodes are all adjacent opposite sides of the frame. Thus, the element of the claim would be met even if the Applicant required all of the electrodes to be adjacent opposite sides of the frame.

### ***Conclusion***

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sharon E. Payne whose telephone number is (571) 272-2379. The examiner can normally be reached on regular business hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (571) 272-2378. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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9. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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